Paper No. 12

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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<u>Ex parte</u> BARRY K. ALDRED, HOWARD S. LAMBERT,
and HOWARD D. MICHELL

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Appeal No. 2001-1070
Application No. 08/678,781

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ON BRIEF

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Before THOMAS, HAIRSTON, and BARRETT, <u>Administrative Patent Judges</u>.

HAIRSTON, <u>Administrative Patent Judge</u>.

DECISION ON APPEAL

This is an appeal from the final rejection of claims

1 through 16.

The disclosed invention relates to an electronic sheet that

is logically divided into a set of cells, and each cell contains

no more than a single character.

Claim 15 is illustrative of the claimed invention, and it

reads as follows:

15. A computer workstation including:

means for storing and displaying an electronic
sheet, said electronic sheet being logically divided
into a set of cells, each said cell being able to
contain no more than a single character;

means to enable a user to select a portion of said
electronic sheet, said portion comprising at least one
said cell; and

means, responsive to a user input, for editing
said selected portion of said electronic sheet.

The references relied on by the examiner are:

Torres	5,040,131	Aug. 13, 1991
Bates et al. (Bates) (Published European Patent Application)	EP 0 550 374 A2	Jul. 7, 1993

Claim 15 stands rejected under 35 U.S.C. § 103(a) as being

unpatentable over Torres.

Claims 1 through 14 and 16 stand rejected under 35 U.S.C.

§ 103(a) as being unpatentable over Bates in view of Torres.

Reference is made to the brief (paper number 10) and the

answer (paper number 11) for the respective positions of the

appellants and the examiner.

OPINION

At the outset, we note that "[a]ppellant accepts [sic, appellants accept] the Examiner's position that the combination of Bates and Torres teaches or suggests all the features of claim 1 (or equivalent method claim 16), apart from the limitation of 'each cell being able to contain a single logical character'" (brief, page 3). Thus, the patentability of all of the claims on appeal depends upon whether the examiner is correct that it would have been obvious to one of ordinary skill in the art "to include 'no more than a single character' in view of Torres' disclosure because in figures 1-6, he illustrates tables in which each cell contains 'no more than a single character'" (answer, page 3).

Torres discloses (Figures 1 through 6) an electronic sheet that is logically divided into a set of cells. A single character per cell is shown in the first five figures. After the sum icon 24 (Figures 4 and 5) is dropped into the cell 26 (Figure 6), the cell 26 reflects the total of the numbers in column 22. The sum (i.e., 15) in cell 26 is not "a single character."

Notwithstanding this teaching in Torres, the examiner concluded (answer, page 3) that "[i]t was well known at the time of the invention to input data into an accounting ledger in which

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each cell of the grid would contain only one character/numeral
. . . " so that "the sums add up without error."

Appellants argue (brief, pages 3 through 6) that the examiner has not provided any evidence to support the assertion concerning the ledger, that the examiner has not established any error in the summation process described by Torres, and that any modification to Torres' teachings to limit each cell to only a single character would alter the teachings and purpose of Torres's invention.

We agree with appellants' arguments. In the absence of evidence, we can not assess the propriety of the examiner's assertions. Even if it is true that ledger's use only a single character per cell, we must nevertheless agree with the appellants that the movement of the "1," for example, from the cell 26 would indeed alter the teachings of Torres because "5 " is not the sum of all of the numbers in column 22 (Figure 6). Any modification to Torres that limits each cell to a single character would indeed lead to an error in the summation process.

In summary, the obviousness rejection of claims 1 through 16 is reversed because the applied references neither teach nor would have suggested each cell being able to contain "no more than a single character."

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<u>DECISION</u>

The decision of the examiner rejecting claims 1 through 16 under 35 U.S.C. § 103(a) is reversed.

<u>REVERSED</u>

JAMES D. THOMAS   )
Administrative Patent Judge   )
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) BOARD OF PATENT
KENNETH W. HAIRSTON   )   APPEALS AND
Administrative Patent Judge   )   INTERFERENCES
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LEE E. BARRETT   )
Administrative Patent Judge   )

KWH:hh

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